

U.S. District Court
North Carolina Middle District (NCMD)
CRIMINAL DOCKET FOR CASE #: 1:22-mj-00379-LPA-1
Internal Use Only

Case title: USA v. PATTEN

Date Filed: 09/26/2022

Assigned to: MAG/JUDGE L.
PATRICK AULD

Defendant (1)

JAMES PATTEN

represented by **AARON B. WELLMAN**
IVEY MCCLELLAN GATTON & SIEGMUND,
L.L.P.
POB 3324
GREENSBORO, NC 27402-3324
336-274-4658
Email: abw@iveymcclellan.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

RULE 5 ARREST

Disposition

Plaintiff

USA

represented by **CLIFTON THOMAS BARRETT**
U. S. ATTORNEY'S OFFICE – MDNC

101 S. EDGEWORTH ST., 4TH FLOOR
GREENSBORO, NC 27401
336-333-5351
Email: cliff.barrett@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Date Filed	#	Page	Docket Text
09/26/2022			Arrest (Rule 5) of JAMES PATTEN (Garrett, Kim) (Entered: 09/26/2022)
09/26/2022			Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to JAMES PATTEN held on 9/26/2022. AUSA Cliff Barrett. Defendant advised of rights and charges. Defendant waived ID Hearing. Government not seeking detention and agrees with release conditions. Defendant released to appear as directed by the District of New Jersey. Proceedings recorded. (Garrett, Kim) (Entered: 09/26/2022)
09/27/2022	<u>1</u>		SEALED FINANCIAL AFFIDAVIT by JAMES PATTEN. (Hicks, Samantha) (Entered: 09/27/2022)
09/27/2022	<u>2</u>		ORDER appointing CJA Panel Attorney AARON B. WELLMAN for JAMES PATTEN. Signed by MAG/JUDGE L. PATRICK AULD on 9/26/2022. (Hicks, Samantha) (Entered: 09/27/2022)
09/27/2022	<u>3</u>		WAIVER of Rule 5 & 5.1 Hearings by JAMES PATTEN. (Hicks, Samantha) (Entered: 09/27/2022)
09/27/2022	<u>4</u>		ORDER Setting Conditions of Release for JAMES PATTEN signed by MAG/JUDGE L. PATRICK AULD on 9/26/2022. (Hicks, Samantha) (Entered: 09/27/2022)

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: CLIFTON THOMAS BARRETT (caseview.ecf@usdoj.gov, cliff.barrett@usdoj.gov, freda.harbison@usdoj.gov, laurie.lochner@usdoj.gov, natalie.kuehl@usdoj.gov, usancm.ecfcriminal@usdoj.gov), MAG/JUDGE L. PATRICK AULD (alexandra_farrell@ncmd.uscourts.gov, judge_auld@ncmd.uscourts.gov, kimberly_garrett@ncmd.uscourts.gov, sinead_o'doherty@ncmd.uscourts.gov, wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Probation Office (duty@ncmp.uscourts.gov), U. S. Marshal's Office (breanna.wilton@usdoj.gov, ecf.usmsncm@usdoj.gov, jeannie.helms@usdoj.gov, jessica.williams2@usdoj.gov)
--No Notice Sent:

Message-Id:3683821@ncmd.uscourts.gov
Subject:Activity in Case 1:22-mj-00379-LPA USA v. PATTEN Arrest - Rule 5
Content-Type: text/html

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 9/26/2022 at 1:03 PM EST and filed on 9/26/2022

Case Name: USA v. PATTEN
Case Number: 1:22-mj-00379-LPA
Filer:
Document Number: No document attached
Docket Text:
Arrest (Rule 5) of JAMES PATTEN (Garrett, Kim)

1:22-mj-00379-LPA-1 Notice has been electronically mailed to:

CLIFTON THOMAS BARRETT cliff.barrett@usdoj.gov, CaseView.ECF@usdoj.gov, freda.harbison@usdoj.gov, laurie.lochner@usdoj.gov, natalie.kuehl@usdoj.gov, usancm.ecfcriminal@usdoj.gov

1:22-mj-00379-LPA-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: CLIFTON THOMAS BARRETT (caseview.ecf@usdoj.gov,
cliff.barrett@usdoj.gov, freda.harbison@usdoj.gov, laurie.lochner@usdoj.gov,
natalie.kuehl@usdoj.gov, usancm.ecfcriminal@usdoj.gov), AARON B. WELLMAN
(abw@iveymcclellan.com), MAG/JUDGE L. PATRICK AULD (alexandra_farrell@ncmd.uscourts.gov,
judge_auld@ncmd.uscourts.gov, kimberly_garrett@ncmd.uscourts.gov,
sinead_o'doherty@ncmd.uscourts.gov, wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Probation Office (duty@ncmp.uscourts.gov)
--No Notice Sent:

Message-Id:3683957@ncmd.uscourts.gov
Subject:Activity in Case 1:22-mj-00379-LPA USA v. PATTEN Initial Appearance - Rule 5
Content-Type: text/html

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 9/26/2022 at 3:14 PM EST and filed on 9/26/2022

Case Name: USA v. PATTEN
Case Number: 1:22-mj-00379-LPA
Filer:
Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to JAMES PATTEN held on 9/26/2022. AUSA Cliff Barrett. Defendant advised of rights and charges. Defendant waived ID Hearing. Government not seeking detention and agrees with release conditions. Defendant released to appear as directed by the District of New Jersey. Proceedings recorded. (Garrett, Kim)

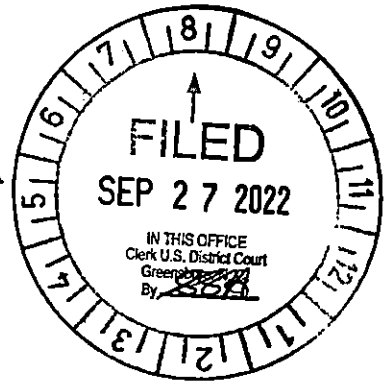
1:22-mj-00379-LPA-1 Notice has been electronically mailed to:

AARON B. WELLMAN abw@iveymcclellan.com

CLIFTON THOMAS BARRETT cliff.barrett@usdoj.gov, CaseView.ECF@usdoj.gov,
freda.harbison@usdoj.gov, laurie.lochner@usdoj.gov, natalie.kuehl@usdoj.gov,
usancm.ecfcriminal@usdoj.gov

1:22-mj-00379-LPA-1 Notice will not be electronically mailed to:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA

v.

JAMES PATTEN

1:22mj379

ORDER

The defendant having demonstrated eligibility for appointment of counsel at government expense, CJA Panel Attorney Aaron B. Wellman is directed to provide representation in this action.

 /s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge

Date: September 26, 2022

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

JAMES PATTEN

Defendant

Case No. 1:22mj379

Charging District's Case No.



WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the *(name of other court)* District of New Jersey

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: September 26, 2022


Defendant's signature


Signature of defendant's attorney

Aaron B. Wellman

Printed name of defendant's attorney

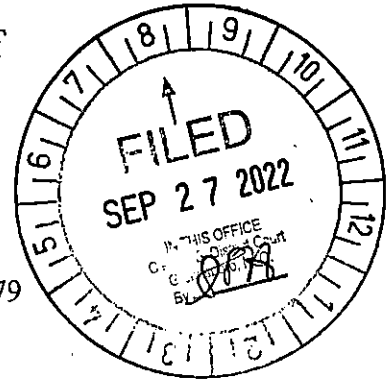
UNITED STATES DISTRICT COURT
for the
Middle District of North Carolina

United States of America
v.

JAMES PATTEN

Defendant

Case No. 1:22mj379



ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____ as directed
Place

on _____ as directed
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

☐ (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

☒ (7) The defendant must:

☒ (a) submit to supervision by and report for supervision to the United States Probation Supervising Officer, telephone number _____, as directed _____.

☐ (b) continue or actively seek employment.

☐ (c) continue or start an education program.

☒ (d) surrender any passport to: the United States Probation Supervising Officer.

☒ (e) not obtain a passport or other international travel document.

☒ (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the Middle District of North Carolina and District of New Jersey unless prior approval given by the United States Probation Supervising Officer.

☒ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: any co-defendants, co-conspirators, or witnesses.

☐ (h) get medical or psychiatric treatment: _____

☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

☐ (k) not possess a firearm, destructive device, or other weapon.

☐ (l) not use alcohol (☐) at all (☐) excessively.

☐ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed.

☐ (i) **Curfew.** You are restricted to your residence every day (☐) from _____ to _____, or (☐) as directed by the pretrial services office or supervising officer; or

☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities, court appearances, scheduled attorney visits, or other activities specifically approved by the court; or

☐ (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.

Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

- ☐ (q) submit to the following location monitoring technology and comply with its requirements as directed:
- ☐ (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - ☐ (ii) Voice Recognition; or
 - ☐ (iii) Radio Frequency; or
 - ☐ (iv) GPS.
- ☐ (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- ☐ (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- ☒ (t) do not engage in the business or trading of securities.
- ☒ (u) refrain from all involvement in Hometown International, E-Waste Corporation, Makamer Holdings, and EZRaider Global, Inc.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


Defendant's Signature

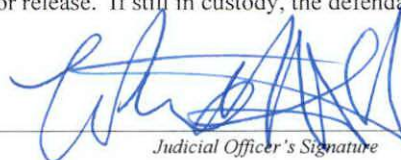
Winston-Salem, NC

City and State

Directions to the United States Marshal

- (☒) The defendant is ORDERED released after processing.
- (☐) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 9/26/2022


Judicial Officer's Signature

L. Patrick Auld, U.S. Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL